

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OMAR RASHAD POUNCY,

Petitioner,

v.

Case No. 13-cv-14695
Hon. Matthew F. Leitman

MATT MACAULEY,

Respondent.

**ORDER DENYING PETITIONER’S MOTION FOR ACCESS TO
COUNSEL WITHOUT PREJUDICE (ECF No. 547)**

Now before the Court is Petitioner Omar Rashad Pouncy’s “Motion for Access to Counsel.” (Mot., ECF No. 547.) In the motion, Pouncy asks the Court to issue an order directing his “custodian at the Isabella County Jail” to allow him to consult with lawyers who are not “listed as counsel of record on any case for [him].” (*Id.*, PageID.15655.) Pouncy says that he is considering whether to engage these lawyers as counsel for work on appeals in this action. For the reasons explained below, the motion is **DENIED WITHOUT PREJUDICE**.

The Court is not yet persuaded that it has jurisdiction over any official at the Isabella County Jail and/or the authority to enter any orders directed toward Isabella County Jail officials. Simply put, in these habeas proceedings, the Court has jurisdiction to enter orders directed towards the custodian who holds Pouncy in

custody pursuant to the state-court judgment that he attacks here, but there is reason to believe that no official at the Isabella County Jail is such a custodian. It appears, instead, that Pouncy is being held at the Isabella County Jail at the direction of the United States Marshals Service in connection with criminal charges that he is facing in another (separate) case in this district. *See United States v. Pouncy*, E.D. Mich. Case No. 23-cr-20262. Pouncy consented to detention in that criminal case, and it appears that he is being held at the Isabella County Jail pursuant to that order of detention and pending his trial in the criminal case.

This Court is not presiding over Pouncy's criminal case and is not yet persuaded that it has the authority to enter any order respecting the terms or conditions of his custody in that case. Accordingly, the Court **DENIES** his motion for access to counsel (ECF No. 547) **WITHOUT PREJUDICE**. If Pouncy wishes to renew his motion in this case, he shall explain to the Court, with citations to authority, how the Court has jurisdiction over his current custodian.

IT IS SO ORDERED.

Dated: May 12, 2025

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 12, 2025, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
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